

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI

\_\_\_\_\_  
H&R BLOCK, INC. and  
HRB INNOVATIONS, INC.

Plaintiffs,

v.

BLOCK, INC.,

Defendant.  
\_\_\_\_\_

X

X

Case No. 4:21-cv-00913-NKL

**REBUTTAL DECLARATION OF JEFFREY J. JONES II IN FURTHER  
SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

I, Jeffrey J. Jones II, hereby declare as follows:

1. I am the President and Chief Executive Officer of H&R Block, Inc. (together with its subsidiaries and affiliates, including HRB Innovations, Inc., "Block"). On December 21, 2021, I submitted a declaration in support of Block's motion for a preliminary injunction against Block, Inc.

2. I have reviewed Block, Inc.'s opposition to Block's motion for a preliminary injunction, including the suggestions in opposition to Block's motion for a preliminary injunction and a number of the accompanying exhibits.

3. I submit this rebuttal declaration in further support of Block's motion for a preliminary injunction against Block, Inc., based on my personal knowledge and a review of company records, and on information from individuals at Block upon whom I regularly rely.

**I. The BLOCK Marks are Strong**

4. As discussed in my prior declaration, dated December 21, 2021, for several decades, Block has used the BLOCK Marks in connection with its products and services. It has invested billions of dollars to advertise and promote the BLOCK Marks and brand.

5. Block has prepared more than 800 million tax returns for individual customers and has helped millions of small businesses with their complex financial needs. There are more than 9,000 Block-branded retail locations in the United States alone, and Block-branded products are available through Block's website and at retailers nationwide. Block and its franchisees employ more than 80,000 employees worldwide.

6. Block's promotion and advertisement of its brand has included partnering with major corporations and organizations, such as American Airlines, the National Basketball Association (NBA), IBM, and the New York Yankees, as well as celebrities such as Jon Hamm and Anthony Davis, for national print, online and television campaigns. Block has been featured in a number of television appearances, including on major news outlets, on national television, in Super Bowl commercials, on Ellen, on The Late Show with Stephen Colbert, on Family Guy, on RuPaul's Drag Race, on Jeopardy, and as part of a recent viral Tik Tok video.

7. All of these advertisements include reference to the BLOCK Marks, Block's green color scheme and Block's Square Marks.

8. Given these facts, it should come as no surprise that H&R BLOCK is one of the most well-known brands in the United States for its tax and other financial services. Although customers, of course, recognize our full name H&R BLOCK, we, along with the media and regulators, also frequently refer to our company as BLOCK, and, therefore, our customers also

know us as BLOCK. We refer to our company as BLOCK to promote our customer services (including in national and local advertising campaigns and as part of our paid search terms to drive Block's web-based marketing efforts), on our social media accounts, in our retail offices, and in connection with our DIY (do-it-yourself) tax products. Consumers and the media also regularly refer to Block as BLOCK, including in the press, social media commentary, product reviews and feedback.

9. I understand that Block, Inc. has argued that we are not known simply as BLOCK. As I explained in my first declaration, and I explain again now, that simply is not accurate.

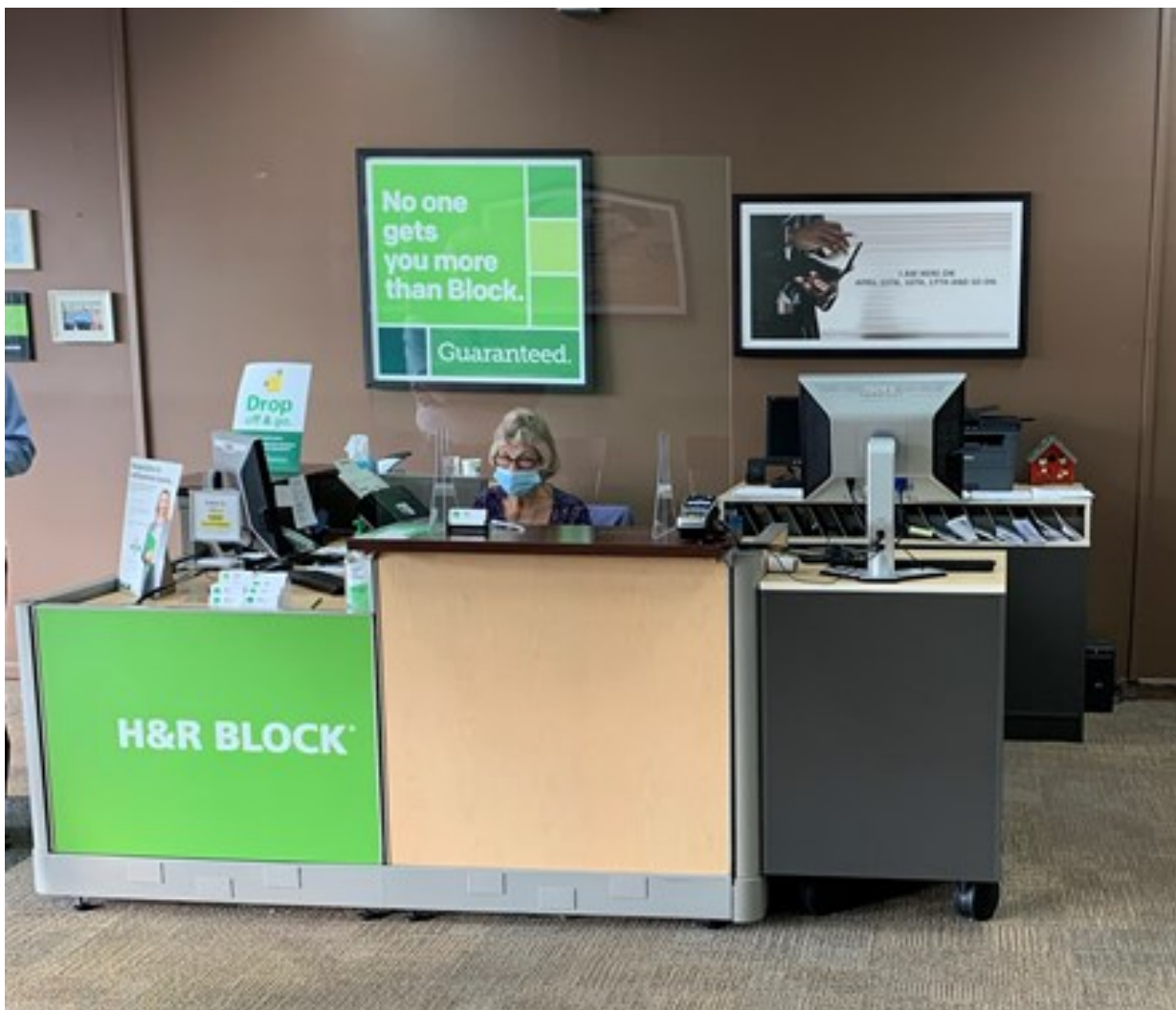
**A. Block Regularly and Prominently Refers to Itself as BLOCK**

10. In addition to all of the ways I discussed in my December 21, 2021 declaration, further examples of how Block uses BLOCK alone to promote its services to customers and potential customers are described below.

11. Block has invested significant resources in advertisements using BLOCK alone. For instances, Block invested over \$100 million in television and online video advertising alone to promote the tagline "BLOCK HAS YOUR BACK." As an example, Block aired a popular national television commercial (*see <https://www.youtube.com/watch?v=1KXDPjUM5dU>*) which was set in a Block office and featured Block professionals singing and dancing to a catchy jingle, including the lines: *"Tax season is here again...Block has options for you my friend....In person or virtually, we make it easy for you...BLOCK HAS YOUR BACK."* While the H&R BLOCK name did appear on screen in the commercial, the voiceover referred only to BLOCK. This

commercial aired throughout the 2021 tax season, which ran from the end of December 2020 until mid-May 2021.

12. The BLOCK HAS YOUR BACK tagline has also been used on storefronts, as wall art in our field offices, at special events and even as the backdrop of Block employees ringing the New York Stock Exchange bell to open the 2019 tax season. Examples of these uses of the tagline are seen below, including a picture of a Block office I took this week while on a field visit.





13. BLOCK HAS YOUR BACK is not the only tagline featuring BLOCK alone in which Block invests. For example, Block also has used the tagline “BETTER WITH BLOCK.” Block spent over \$50 million on television and online video advertising promoting this tagline in 2020 alone.

14. Use of Block alone in advertising is nothing new. In another national television commercial, which aired in 2014, Richard Gartland, a Block tax professional, says “*This is your money. **Get it back with Block.** Get your billion back, America.*” (See <https://www.ispot.tv/ad/7fHj/h-and-r-block-get-your-billion-back> (emphasis added)). Although the Block website appears on screen toward the end of the commercial, the voiceover refers only to BLOCK as it explains the opportunity for customers to get their tax refund money back by filing their taxes with Block. In 2014, Block invested more than \$90 million in the taglines featured in this commercial.

15. Block also promotes the BLOCK name through paid search advertisements that feature such phrases as: “Switch to Block”; “More than Block”; and “Free with Block.” Block has spent millions of dollars on these paid search advertisements that include use of “Block” alone (e.g., advertisements that will appear if an individual types certain paid search terms into a search engine). As part of this effort, Block also bids on paid search keywords featuring Block alone, such as “block tax” and “myblock com.”





16. In addition, Block Advisors, which provides tax, bookkeeping and payroll services in more than 300 Block Advisors offices under the BLOCK ADVISORS registered trademarks (Reg. Nos. 5,055,458 & 5,179,142), often prominently displays BLOCK alone, without any reference to H&R. For example, in advertisements for BLOCK ADVISORS, BLOCK appears prominently without any reference to H&R BLOCK (*see* <https://www.youtube.com/watch?v=AJcBK1DCrbo> and <https://www.youtube.com/watch?v=fcpXPg4MEkM>). These advertisements, as well as several others, also use Block's Green Square with and without reference to the full name H&R BLOCK, examples of which can be seen below.



blockadvisors.com



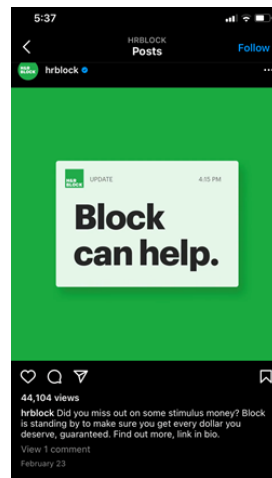
17. Block also uses BLOCK in connection with several other offerings, products and services, both with and without the “H&R” including:

#### DIY Software

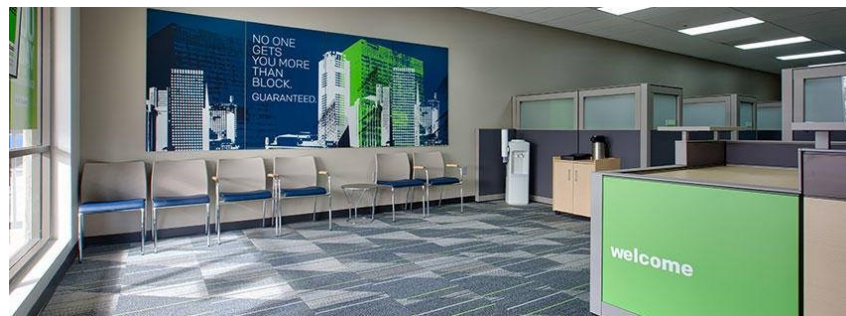
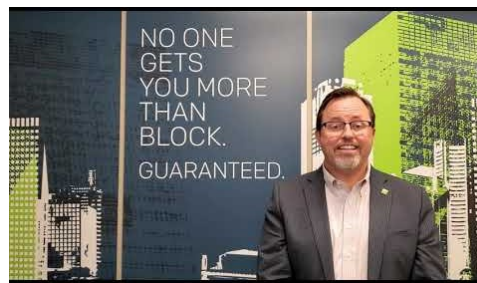
**Block has  
your back.**



#### Social Media



#### Retail Offices

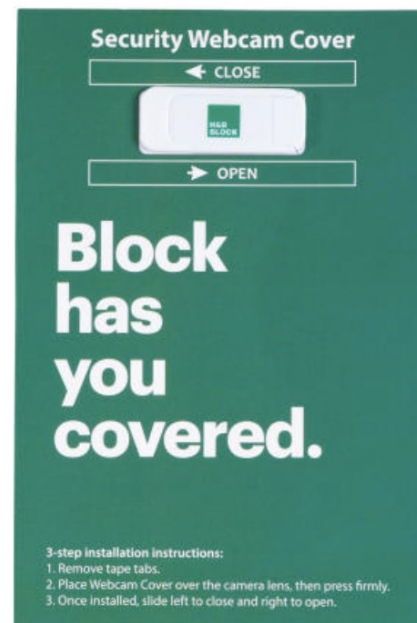




Local  
advertising  
campaigns



Apparel and  
Accessories





**B. Consumers Refer to Block as BLOCK**

18. Notwithstanding the renowned and extensively used H&R BLOCK name, consumers commonly refer to us as BLOCK.

19. For example, with respect to Block's tax preparation and filing products and services, a review of consumer feedback over the past four tax seasons shows that DIY-channel clients, including software and online digital clients, referred to Block as BLOCK more than 7,000 times. While these consumers, of course, know that our formal name is H&R BLOCK, they still often refer to us simply as BLOCK in their communications

20. Similarly, users of Block's tax preparation and filing software (which helps filers maximize deductions and gives them the resources they need to file federal and state taxes on their own) often refer to Block as BLOCK alone. Block has offered this software for more than twenty years, and, in general, approximately two million tax returns are filed each year using the Block software. Consumers can purchase Block's tax software on Amazon via Block's Amazon storefront, or through Walmart, Staples, Best Buy, Office Depot, Target, CVS, Micro Center, Meijer, and Newegg, amongst others. Block has also partnered with American Airlines, ADP, Fidelity and Equifax to promote and sell its software. Purchasers of Block's software are able to

review the product on the retail platform where it was purchased. In these reviews, customers frequently refer to Block as BLOCK alone. Some examples are provided below.



Kahudson

★★★★★ **Block at Home is a Win!**

Reviewed in the United States on April 29, 2021

Platform: PC/Mac Activation Code by Mail | Edition: Deluxe + State | **Verified Purchase**

Love the software. Best price!!

Helpful

| Report abuse

★★★★★ Anonymous · 2 years ago

Why I use **Block**

Well organized, easy to use, covers all aspects of tax law.



Kim

★★★★★ **Reputable Tax Program**

Reviewed in the United States on February 16, 2021

Platform: PC/Mac Activation Code by Mail | Edition: Deluxe + State | **Verified Purchase**

I've been using Block for many, many years (pre-Block, in the early TaxCut days). Reasonably user-friendly. I've been satisfied enough to never switch. Amazon typically has the best price to be found.

Helpful

| Report abuse

★★★★★ Dick Ball · 2 years ago

**Block Rocks**

Couldn't be easier. They walk you through every step.

★★★★★ GlennM · 2 years ago

**Block** is good.

I've use the **Block** software for many years. Naturally, it helps to keep using the same company's...

★★★★★ Rob1G · 8 months ago

The best on the **Block**

Why use anything else. The **Block** has been doing taxes forever, and it shows in the way this is...

★★★★★ D Person · 8 months ago

**Block** is the BEST!

I've been with **Block** for numerous years and I firmly believe that they're the best!

★★★★★ G Boyd · 2 years ago

Taxes go better with **Block**

Worked ok, I had an issue with the 1099-R where they check the box for taxable amount not...



Rf Foley **VINE VOICE**

★★★★★ **Just what you need**

Reviewed in the United States on March 20, 2021

Platform: PC Download | Edition: Deluxe + State | **Verified Purchase**

This is my 5th or 6th tax season using the Block software. Now dated info, but I had used the 'T' brand before so I have a comparison. A coworker suggested I try the Block. Maybe its my imagination but I think it gets better each year and when I started with Block, it was good then. What I like is we have a number of mutual funds and some stocks. With 1099-R's, and Div's and yada yada, easy to get messed up. But the Block software matches the statements item by item. I suppose it does calculations with no error and when you have last years' taxes on the same device, easy-peezy. It imports the mundane stuff to save a few minutes. The auto load of info from institutions does not impress me very much but I don't think that's a big deal. If you use this try it out. Might not do what you want but you do get the name and address of the institution loaded for you. Saves that pain. Overall, pretty happy with this. In my state, electronic filing costs \$20...ridiculous, so since I owe some \$\$\$\$ , they can deal with 18 pages of paper and a check.

Helpful

| Report abuse

### **C. The Media Refers to Block as BLOCK**

21. The media has also referred to Block as “Block” for decades. Media outlets such as the Wall Street Journal, CNN, The New York Times, American Banker, The New York Post, Accounting Today, The Associated Press, Barron’s, the Los Angeles Times, the Kansas City Star, The Boston Globe, The Orlando Sentinel, The Economist, and many more, have all referred to Block as “Block” alone in the headline of a published article. See Durone Decl. ¶¶ 14-19; Exs. 51-56.

## **II. Expansion of Financial Services and Products**

22. While tax filing and preparation has traditionally been the core of Block’s business, Block offers a suite of financial services and products that compete directly with Block, Inc. in other areas, and Block continues to expand those offerings.

23. I understand that Block, Inc. has asserted that Block does not offer commercial solutions, business software, and banking services for sellers. However, Block does offer such services, all of which are consumer-facing, in the Block family, and cross-sold to Block customers.

### **A. Wave Financial**

24. In June 2019, Block acquired Wave Financial LLC (“Wave”), which provides a money management tool and all-in-one solution for small businesses to manage their business finances, including payment processing, payroll, bookkeeping and taxes.

25. Wave offers free invoicing and free accounting products to small business owners, and primarily targets microbusinesses, with fewer than 5 employees, and with less than \$50,000 in yearly revenue. Wave revenue is derived primarily from its payments processing

business, which competes directly with Block, Inc.'s Square. Wave enables small business owners to issue invoices to customers and accept invoice payments through links in the invoices. Like Block, Inc.'s Square, Wave collects a fee for every eligible transaction.

26. Wave is promoted alongside BLOCK branding, primarily BLOCK ADVISORS. Wave's products and services are also actively cross-sold to current and potential Block Advisors customers, and Wave has a dedicated phone support line, 1-833-HRB-WAVE, which is used by Wave customers to book in-person appointments with Block Advisors.

The image displays three promotional banners for Wave's integration with Block Advisors. The top banner is a light blue rectangle with the Wave logo on the left and text on the right. It features a dashed arrow pointing from the Wave logo to the Block Advisors logo. The text reads: "A faster, easier way to file", "Wave's exclusive integration with Block Advisors collects and prepares your tax details for you.", and "Click here for early access". Below this are two side-by-side banners. The left banner has a white header with the Wave and Block Advisors logos, followed by a light blue body with the heading "Faster, easier tax filing", a paragraph about simplifying tax filing, and a blue "Get started" button. The right banner has a white header with the Wave logo, followed by a light blue body with the heading "It's here: Easy tax filing with Block Advisors", a paragraph about sending income and expense data, and a blue "Get started" button.

**A faster, easier way to file**

Wave's exclusive integration with Block Advisors collects and prepares your tax details for you.

[Click here for early access](#)

**Faster, easier tax filing**

Don't feel like spending hours preparing for tax season? Let Wave send your invoice and income data to Block Advisors for simplified filing.

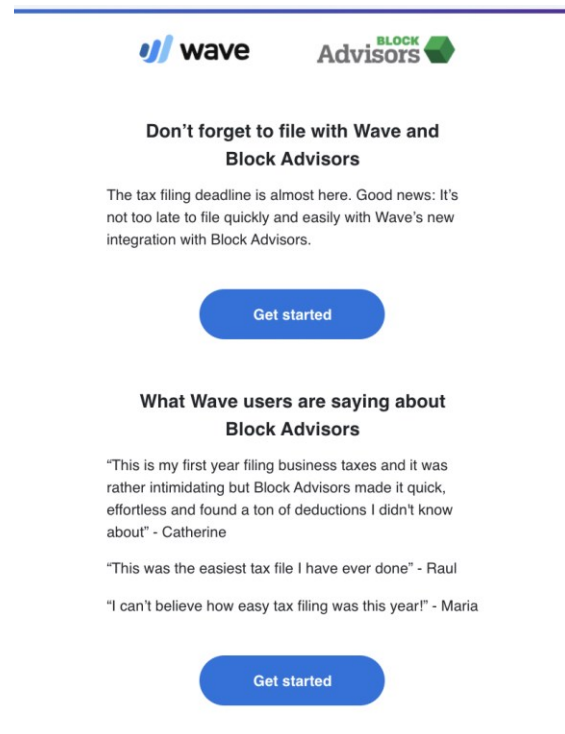
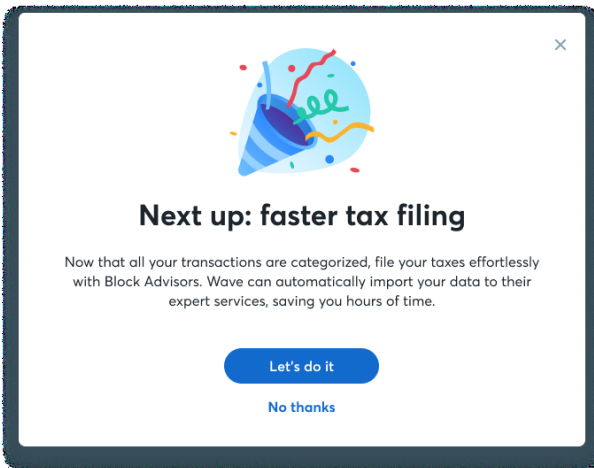
[Get started](#)

**It's here: Easy tax filing with Block Advisors**

Today's the day: You can now **send your income and expense data** from Wave to the tax experts at Block Advisors and file without all the hassle.

[Get started](#)





27. Wave also recently launched access to Wave Money, a business bank account that helps small business owners take control of their finances by providing instant access to money without banking fees. Wave Money automatically categorizes expenses; manages business income and spend; serves as a business bank account, debit card and mobile application; provides access to the largest free ATM network in the United States; and provides a fully integrated financial management solution that syncs with Wave's payments business and provides instant access to funds.



Taxes Finances Small Business Resources

Tax information center : Newsroom : Small business

## Introducing Wave Money

June 11, 2020

**Wave launches Wave Money, the first free combined banking, payments, and bookkeeping solution for small business**

**B. Spruce**

28. Block recently launched its new, innovative financial technology platform, SPRUCE, which combines the best features of leading digital banks with Block's trusted brand and insights, gleaned from helping millions of customers every year.

29. SPRUCE is a mobile banking platform that offers debit cards, direct deposit, a cash back rewards program, credit scores, and overdraft protection services. The SPRUCE debit card is accepted anywhere MasterCard® is accepted.

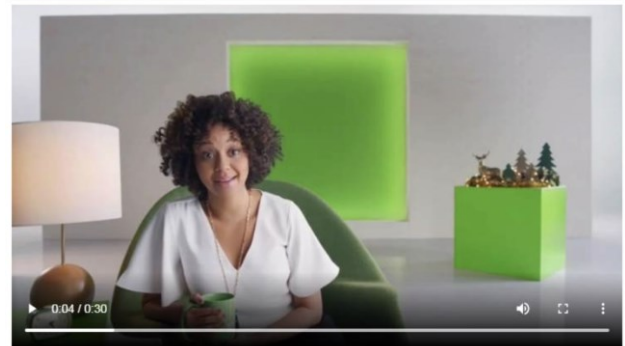
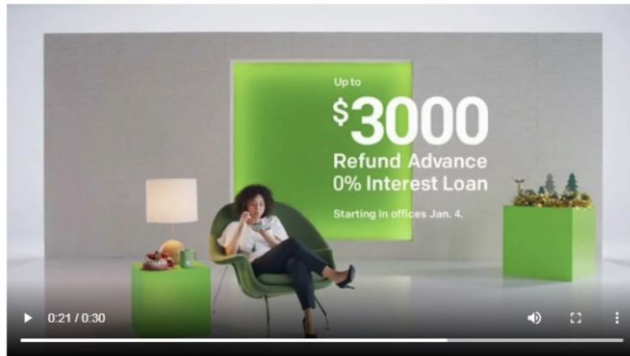
30. The SPRUCE financial technology platform is promoted as having been "built by H&R BLOCK," the mobile application reads "built by H&R BLOCK" and the SPRUCE debit card is labeled "built by H&R Block."



**III. Block Uses its Federally Registered Green Square to promote Block**

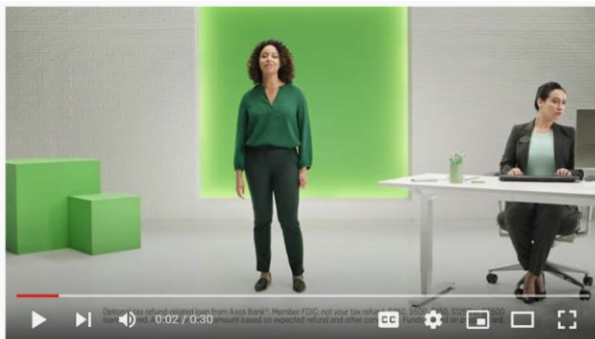
31. Block, Inc. has used its federally registered green square mark, both with and without "H&R," to promote Block.

For example, in recent years, Block has aired several national commercials prominently featuring Block's green square mark alone in several frames. Clips of some of these advertisements are shown below. While references to "H&R BLOCK" were included in each, the green square mark was used alone prominently for significant portions of these commercials.

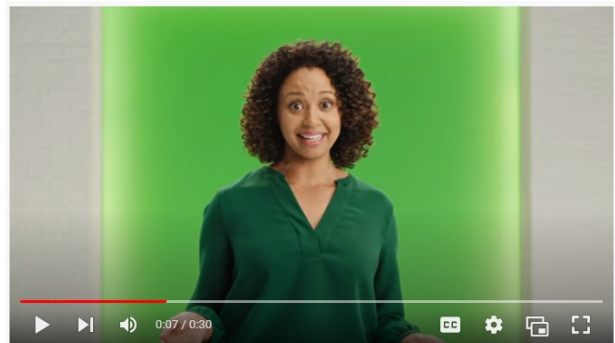


*Available at:*

<https://www.ispot.tv/ad/IYcL/h-and-r-block-refund-advance-piece-of-cake>

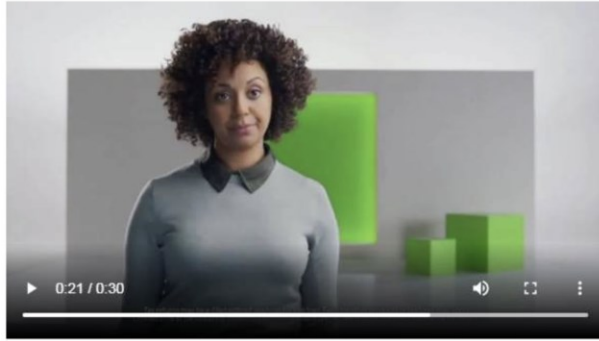


H&R Block 2020 Commercial "Money in minutes" (Official :30) TV Refund Advance Loan TV Ad



*Available at:*

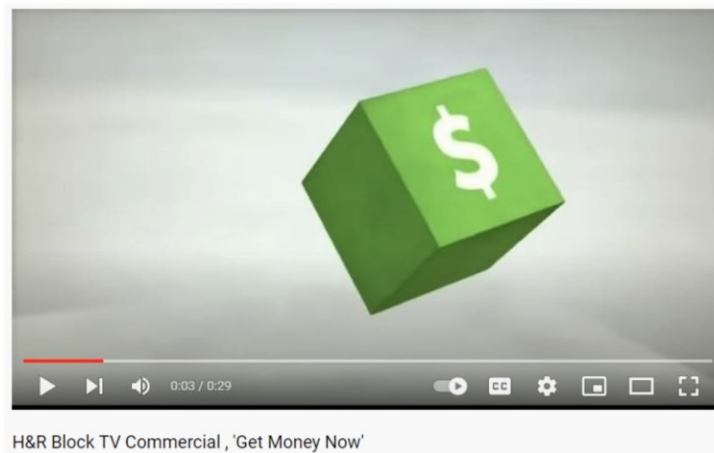
[https://m.youtube.com/watch?v=TTaeWCRhszI&feature=emb\\_title](https://m.youtube.com/watch?v=TTaeWCRhszI&feature=emb_title)



*Available at:*

<https://www.ispot.tv/ad/ItN5/h-and-r-block-tax-refund-advance>

32. Indeed, in at least one commercial in 2014, Block even used a green square, featuring a large, generic, white dollar sign, similar to Block, Inc. Cash App’s own generic logo. (<https://m.youtube.com/watch?v=jIX2H81sGmk>)



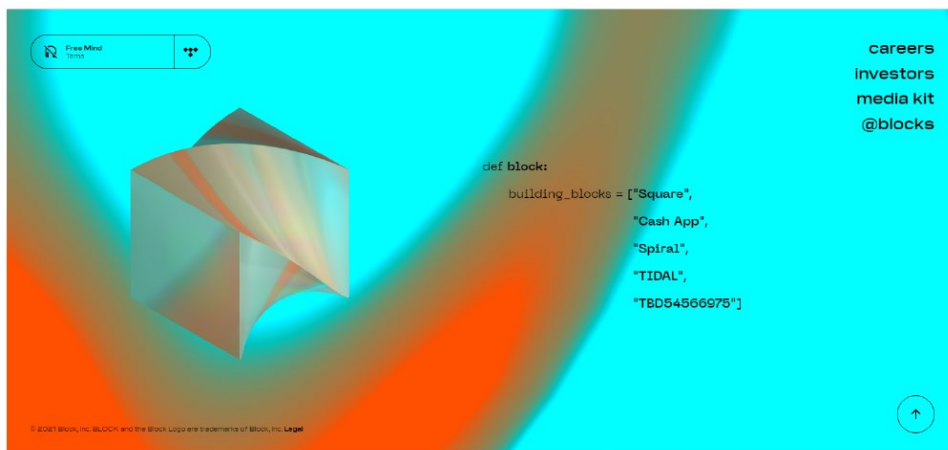
#### **IV. Block, Inc. Is a Public-Facing Brand**

33. I understand that Block, Inc. asserts that “Block” is not a brand for Block, Inc.’s “customer-facing” businesses, and is only “an official corporate name.” However, Block, Inc. is certainly using the name “Block” in a public facing way that is likely to cause confusion in the marketplace with Block.

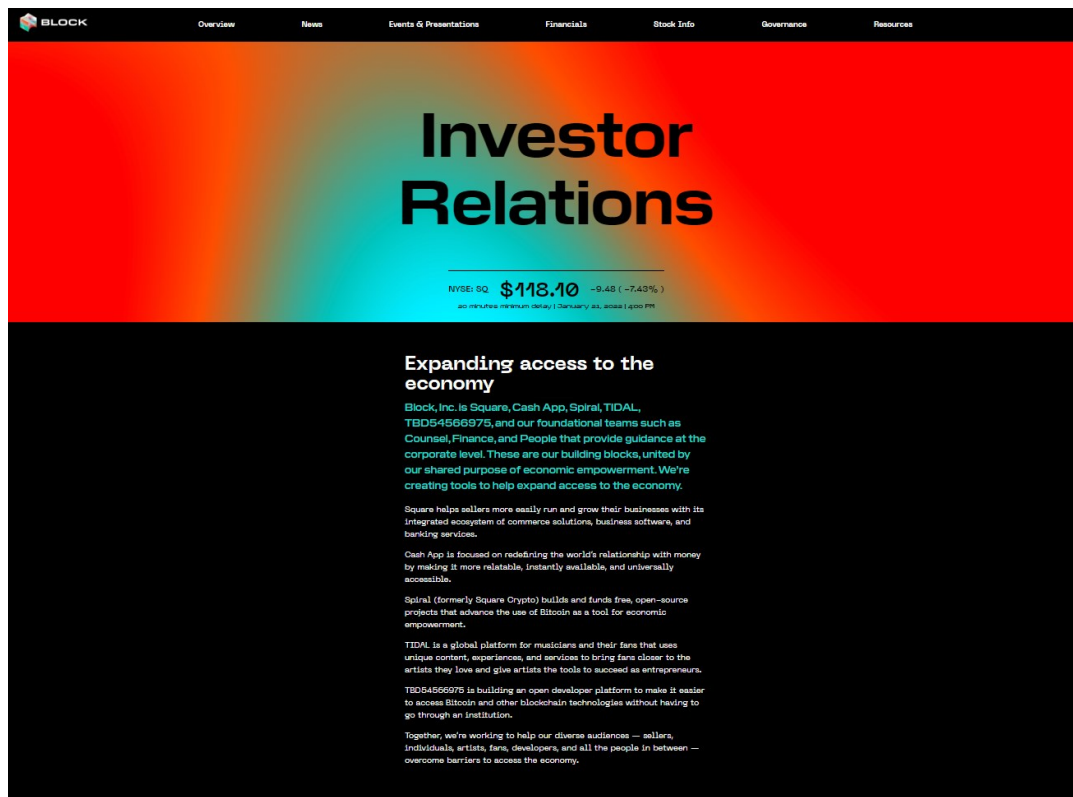
### A. Block, Inc. Uses Block As a Brand

34. As explained in my December 21, 2021 declaration, Block, Inc. has taken several steps to attract public attention. And, as Block, Inc.'s Opposition papers concede, Block, Inc. invested heavily to do so, spending significant time, money and employee manpower on the project. These efforts included the development of its websites at <http://block.xyz> and <http://investors.block.xyz> and social media channels, including the "BLOCK" LinkedIn page with the tagline "joinblock" in the URL and Block, Inc.'s Twitter pages with the handles, "@blocks," which notes in the tagline it consists of "Building blocks" including @CashApp, and "@blockir." Block, Inc. also uses the BLOCK name in investor-facing materials and job postings. All of these uses are public-facing with designs obviously meant to establish recognition and trust not only for Block, Inc., but its underlying "building block" brands, with consumers, potential consumers, employees, potential employees, investors, potential investors, the media and more.

35. Block, Inc.'s website at <https://block.xyz> prominently identifies its brands, including Square and Cash App, as the "building blocks" of the BLOCK brand. The homepage also includes a music playlist called "BLOCK VIBES" curated by famous artist Jay-Z (undoubtedly to attract the attention of the public), which links directly to Block, Inc.'s TIDAL website.



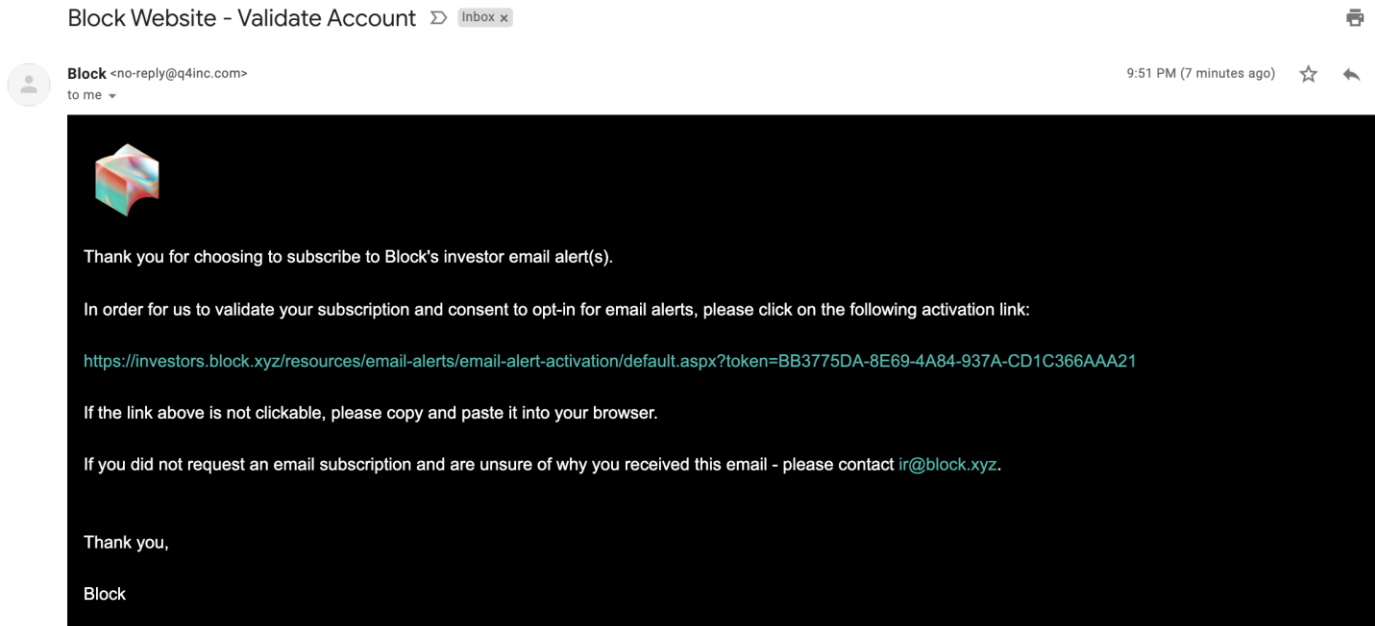
36. Block, Inc. is publicly traded and listed on the New York Stock Exchange. It is my understanding that any Cash App user or member of the public can invest in Block, Inc. I have reviewed Block, Inc.'s investor website at <http://investors.block.xyz>, where Block, Inc. states that *“Block, Inc. is Square, Cash App, Spiral, TIDAL, TBD54566975, and our foundational teams such as Counsel, Finance, and People that provide guidance at the corporate level. These are our building blocks, united by our shared purpose of economic empowerment. We’re creating tools to help expand access to the economy.”* The e-mail contact on this page is [ir@block.xyz](mailto:ir@block.xyz).



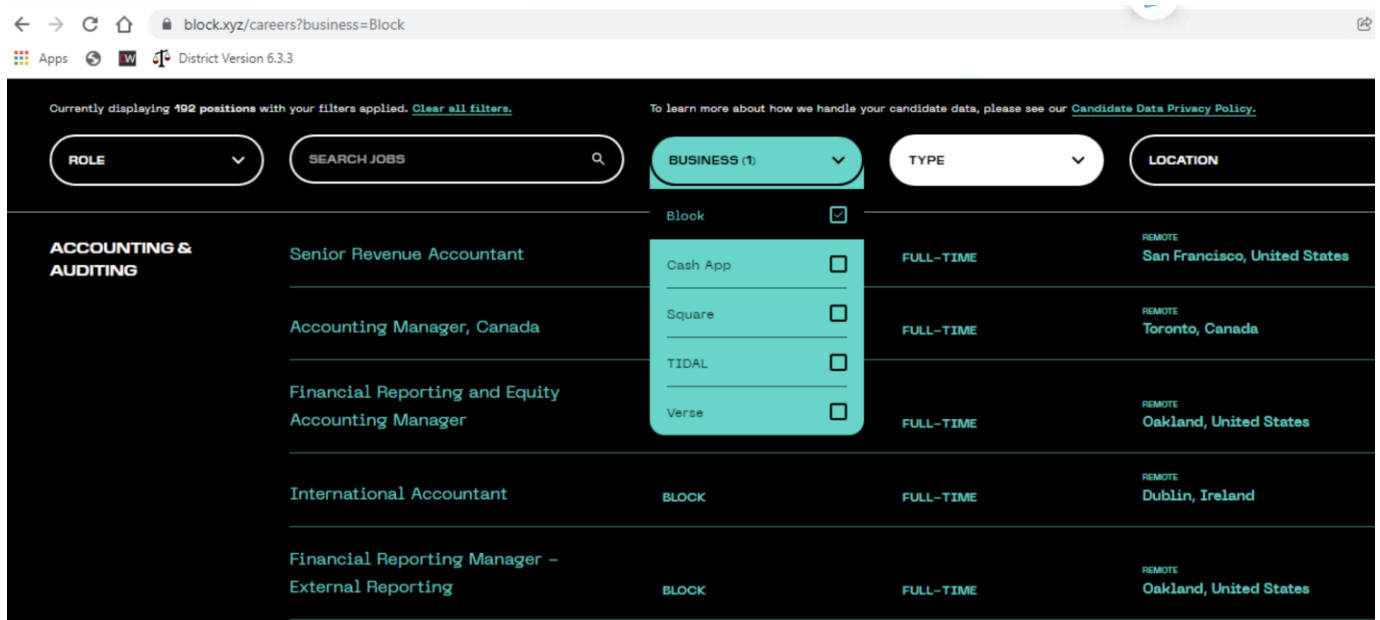
37. On Block, Inc.'s investor website, a potential investor can elect to receive e-mail alerts from Block, Inc. regarding news, annual reports, events and presentations, SEC filings, quarterly reports or end of day stock quotes. If a person enters his or her e-mail address to sign



up for alerts, he or she promptly receives an e-mail from “Block” titled “Block Website – Validate Account” and signed “Block.”



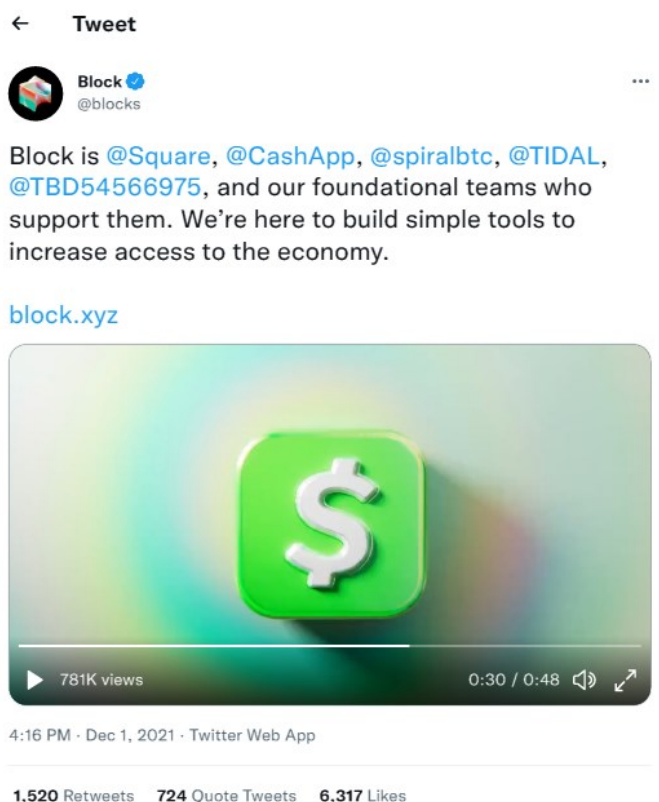
38. Block, Inc. also has a careers page on its website (<https://block.xyz/careers>) titled “WORK AT BLOCK.” On the Block, Inc. careers page, visitors can filter by “business” and select “Block,” “Cash App,” “Square,” “Tidal,” or “Verse,” as shown in the below image.



39. On January 21, 2022, there were 770 positions available at Block, Inc. including multiple positions focused on consumer products, sales and marketing, including Product Counsel (Banking), Product Marketing Manager (Hardware), Lead Application Engineer, Senior Software Engineer (Data Products), Factory Product Quality Manager, Product Manager (Square Retail), Finance Ops Product Manager (Square Financial Services), Senior Product Manager (eCommerce Buyer Network), Senior CRM Product Manager (Sales), and many more. Open positions advertised on Block, Inc.'s careers website include specific positions for tax engineers for its Cash App Taxes business, as shown below.

Senior Frontend Software Engineer – Taxes, Cash App	CASH APP	FULL-TIME	REMOTE Charlotte, United States
Senior Frontend Software Engineer – Taxes, Cash App	CASH APP	FULL-TIME	REMOTE New York, United States

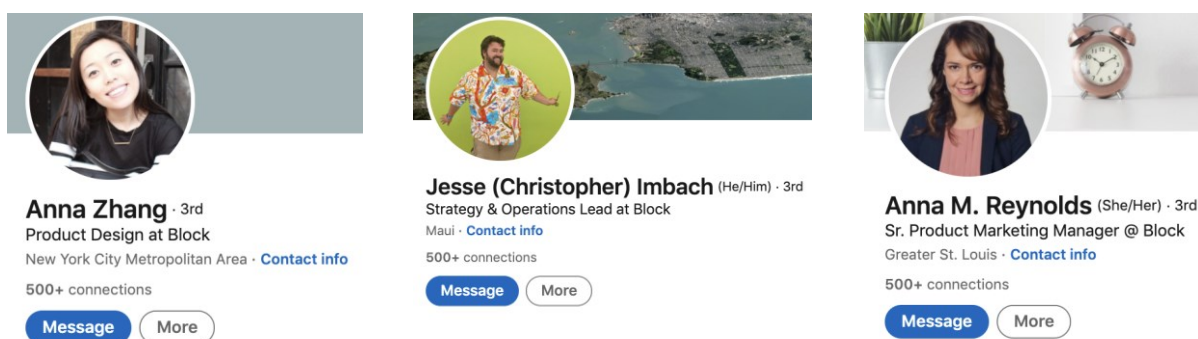
40. I have reviewed a number of Block, Inc.'s social media accounts, and have identified numerous examples of Block, Inc. using the BLOCK mark publicly. For example, as shown at right, on December 1, 2021, Block, Inc. tweeted from its @blocks Twitter account that “Block is @Square, @CashApp, @spiralbtc, @TIDAL, @TBD54566975, and our foundational teams who support them. We’re here to build simple tools to increase access to the economy.”



41. On December 31, 2021, Block, Inc. tweeted a video from its @blocks Twitter account that displayed “BLOCK” in various typefaces shifting around along with the text “WHEN THE **BLOCK** STRIKES MIDNIGHT.” Screenshots from this video are shown below.



42. More than 1,000 Block, Inc. employees describe themselves as employees at “Block” on LinkedIn rather than employees at Cash App, Square, Tidal, or TBD54566975. Some examples are shown below.





**Mika Raz** · 3rd  
 People Team | Block  
 United States · [Contact info](#)  
 500+ connections  
[Message](#) [More](#)



**Elizabeth Zinke** (She/Her) · 2nd  
 IP Counsel, Patents at Block  
 Seattle, Washington, United States · [Contact info](#)  
 500+ connections



**Paloma Luz** · 2nd  
 Corporate Counsel at Block  
 United States · [Contact info](#)  
 131 connections



**Aashana Parekh Malkan** (She/Her) · 3rd  
 Talent @ Block  
 New York City Metropolitan Area · [Contact info](#)  
 500+ connections

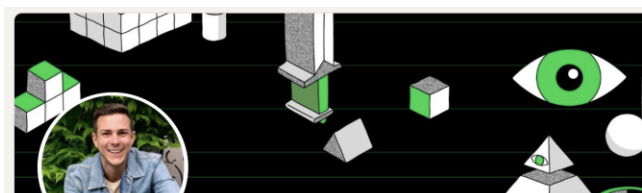


**Hayley Beers** · 3rd  
 Inclusion and Diversity Manager at Block  
 San Francisco, California, United States · [Contact info](#)  
 500+ connections  
[Connect](#) [Message](#) [More](#)

43. Employees of Block, Inc.’s so-called “consumer-facing brands” promote themselves as working at “Block,” despite Block, Inc.’s statement that it will not be referred to as “Cash App by Block.”

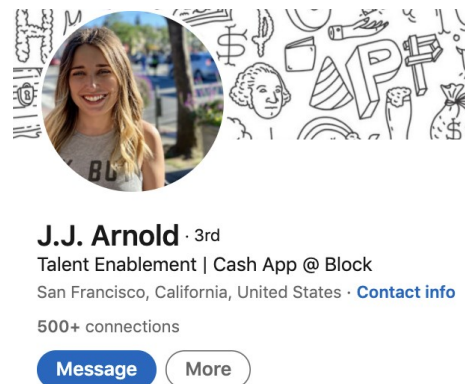
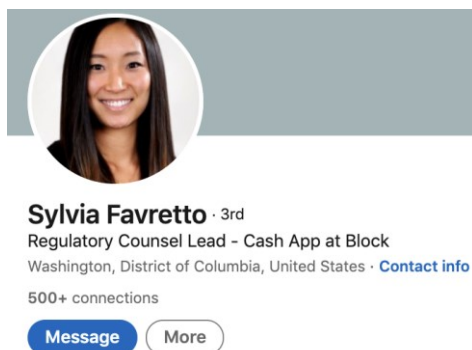
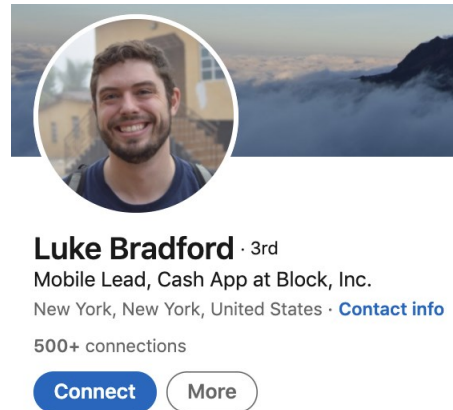
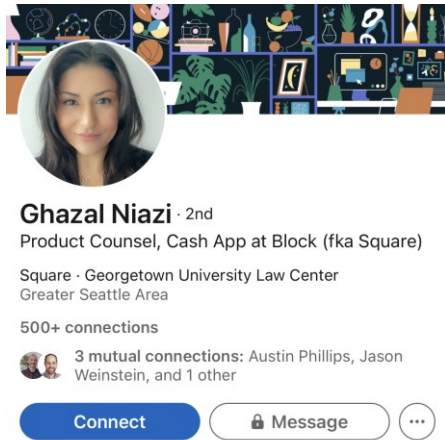


**James Wanga** · 2nd  
 Director Of Engineering, Cash App by Block  
 Square · Winona State University  
 Los Angeles, California, United States  
 500+ connections  
 1 mutual connection: Richard T.R. Harper  
[Connect](#) [Message](#) [...](#)

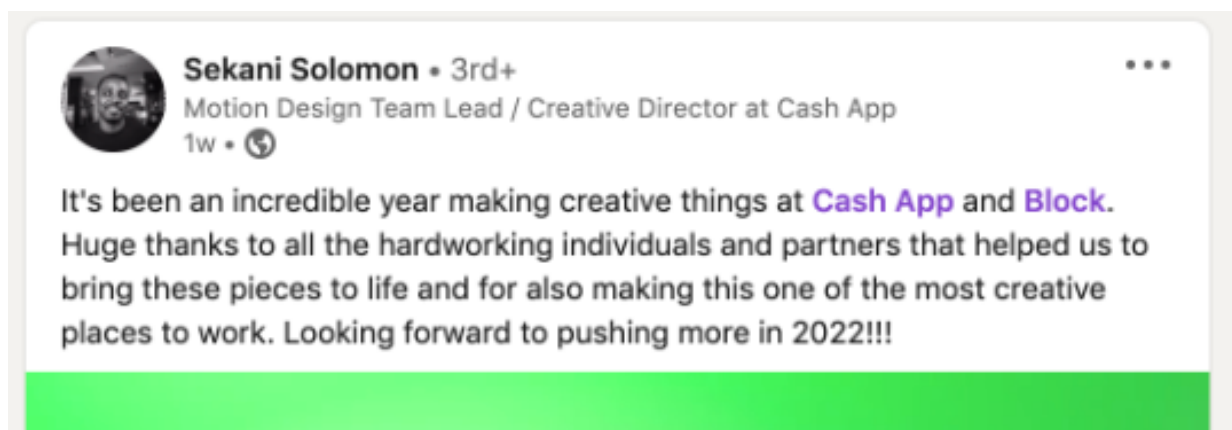


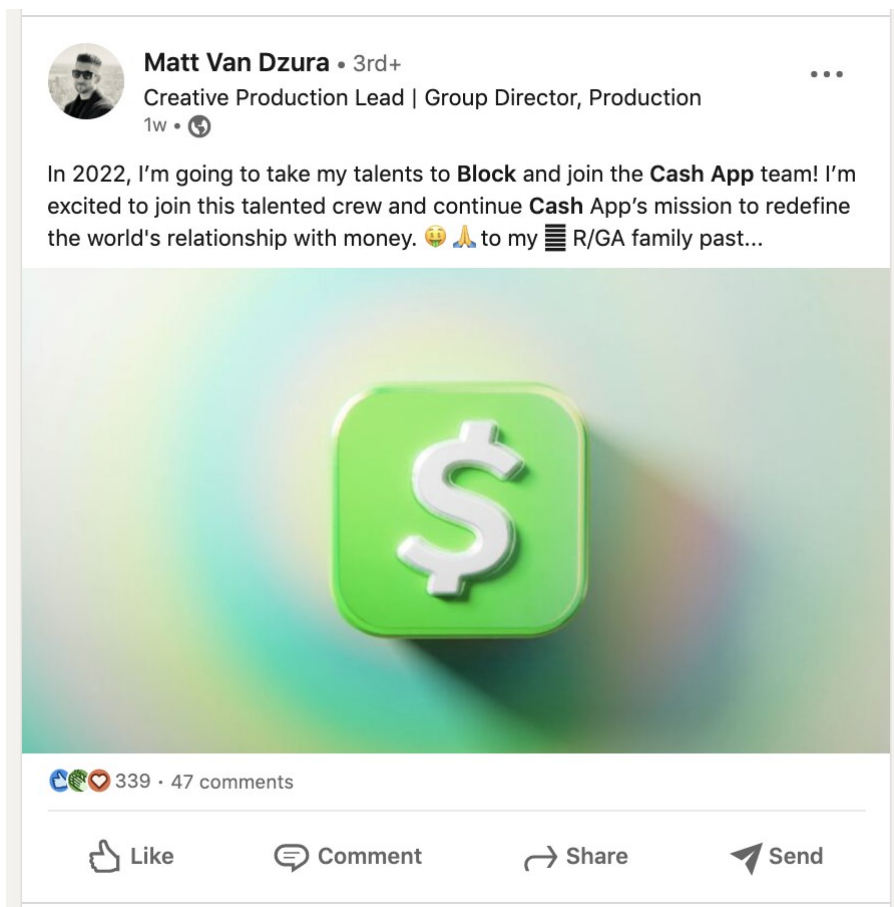
**Connor Morales, CSM** (He/Him) · 3rd  
 Banking Operations, Cash App by Block  
 Portland, Oregon Metropolitan Area · [Contact info](#)  
 2,425 followers · 500+ connections  
[+ Follow](#) [Message](#) [More](#)

Cash App  
 San Francisco :  
 University, Lar  
 College of Busi



44. Despite Block, Inc.’s contentions that its so-called “consumer-facing brands” do not promote a connection to Block, Block, Inc. employees, including one its declarants, Owen Jennings (the “obj” post below), refer to both Cash App and Block in social media posts, as shown in the below examples.







**V. The Media Calls Block, Inc. “Block”**

45. I understand that several news outlets and media sources have referred to Block, Inc. as “Block,” when discussing Block, Inc.’s financial performance, acquisitions, new product offerings and other news and developments, just like the same news outlets and media sources call Block “Block.” The articles include headlines such as “*Block’s Cash App adopts Lightning Network for free bitcoin payments*” (available at: <https://techcrunch.com/2022/01/18/blocks-cash-app-adopts-lightning-network-for-free-bitcoin-payments/>); “*Afterpay’s \$29bn buyout by Block set to close after Spain nod*” (available at: <https://www.reuters.com/technology/afterpays-29-bln-buyout-by-block-set-close-after-spain-nod-2022-01-11/>); “*Biogen, PayPal, Block, Ally Financial: What to Watch in the Stock Market Today*” (available at: <https://www.wsj.com/articles/kidpik-biogen-block-ally-financial-what-to-watch-when-the-stock-market-opens-today-11641988019/>); “*Block stock hits new 52-week low, getting clobbered since rebrand*” (available at: <https://news.yahoo.com/block-stock-new-52-week-low-square-rebrand-212731066.html>); “*Intel, Block Supporting Mining a Positive for Bitcoin’s Price: Analyst*” (available at: [https://www.yahoo.com/now/intel-block-supporting-mining-positive-190925252.html#:~:text=Large%20tech%20companies%20such%20as,based%20digital%20asset%20broker%20GlobalBlock\\_](https://www.yahoo.com/now/intel-block-supporting-mining-positive-190925252.html#:~:text=Large%20tech%20companies%20such%20as,based%20digital%20asset%20broker%20GlobalBlock_)); “*Block Users Can Gift Stock, Bitcoin on Cash App*” (available at: <https://www.pymnts.com/cryptocurrency/2021/block-users-can-gift-stock-bitcoin-on-cash-app/>); “*Block debut opens the ASX gates for other crypto listings*” (available at: <https://www.smh.com.au/business/companies/block-debut-opens-the-asx-gates-for-other-crypto-listings-20220112-p59nmq.html>); “*Block Stock Gets a Price Target Cut. But There Are Reasons to Be Bullish*” (available at: [https://www.nasdaq.com/articles/block-stock-gets-a-price-target-cut.-but-there-are-reasons-to-be-bullish\\_](https://www.nasdaq.com/articles/block-stock-gets-a-price-target-cut.-but-there-are-reasons-to-be-bullish_)), amongst others.

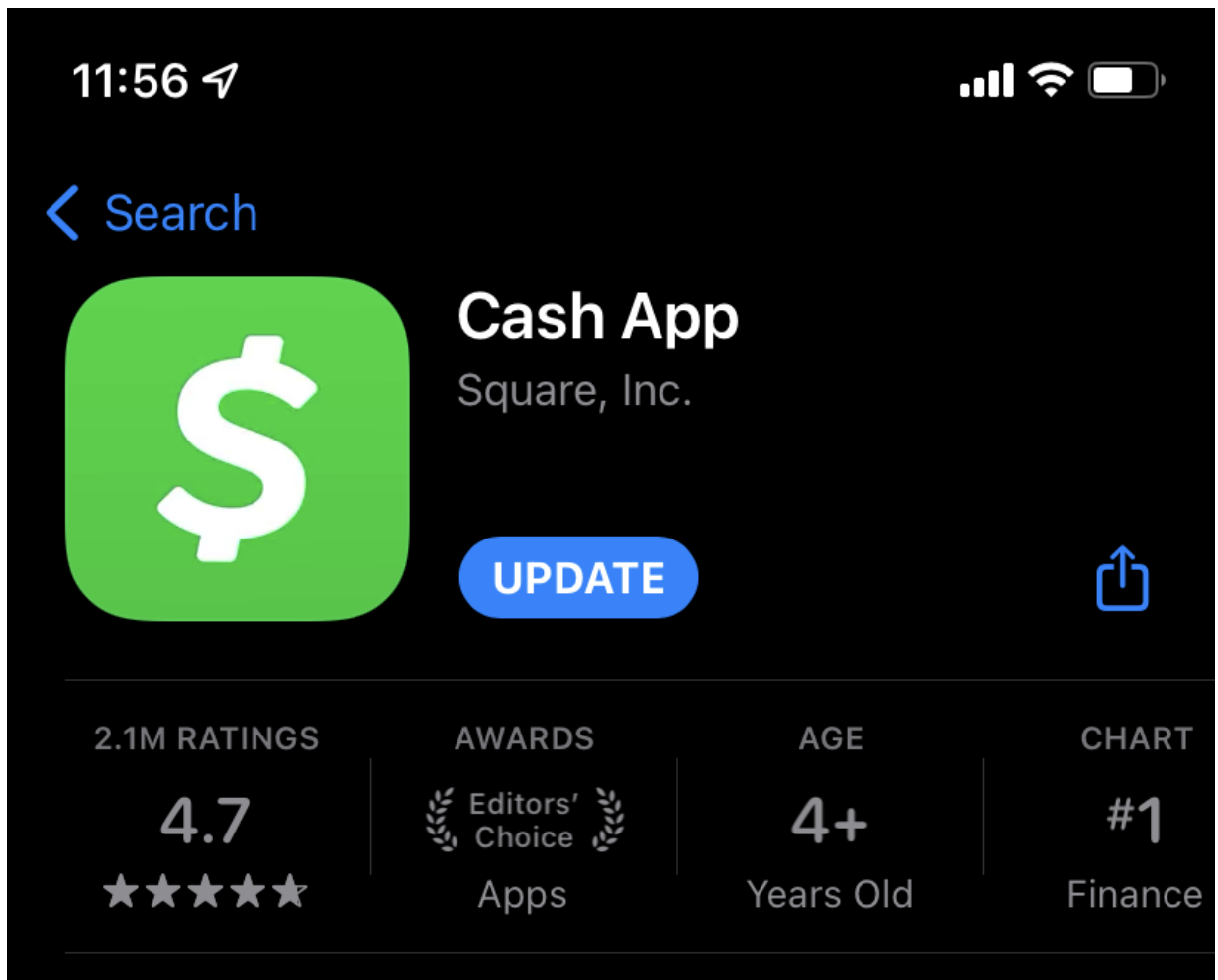
46. In a search on Google for “Block, Inc.” on January 11, 2022, while Block, Inc. was the first search result, Block was the fourth search result. In the “Top Stories” associated with this search, while three articles were about Block, Inc., another article was about Block hiring a new executive. Additionally, Google provided a link to Block on the right hand side of the search screen. A true and correct copy of the first page of this search is attached as Exhibit 1.

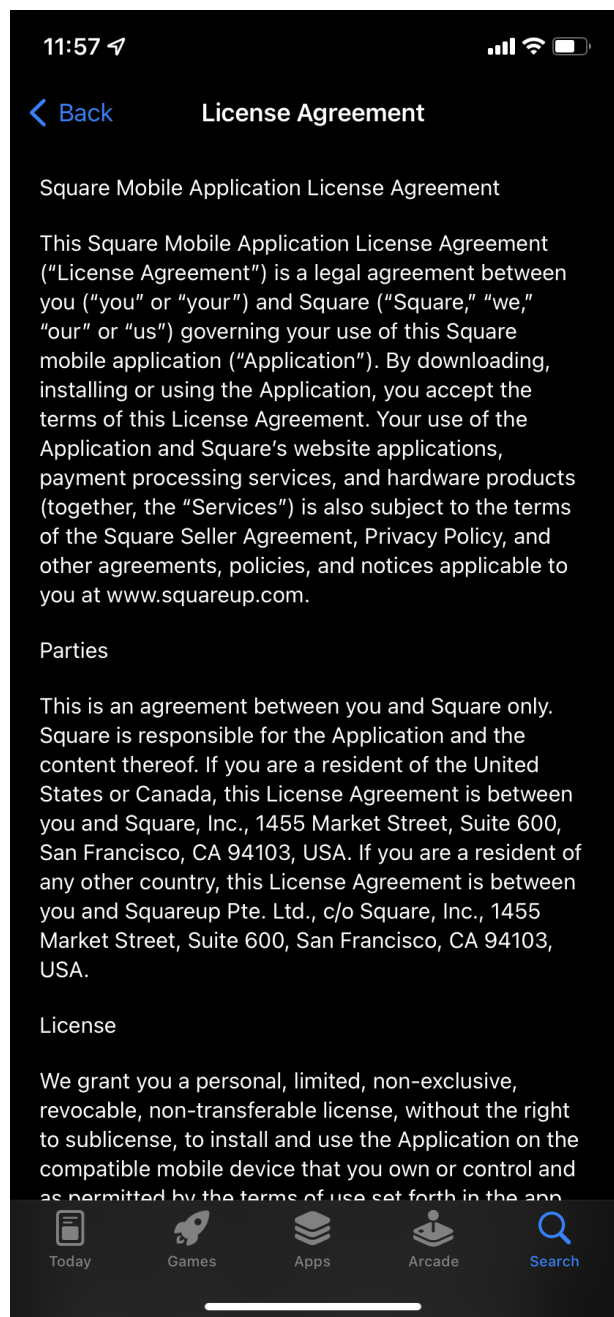
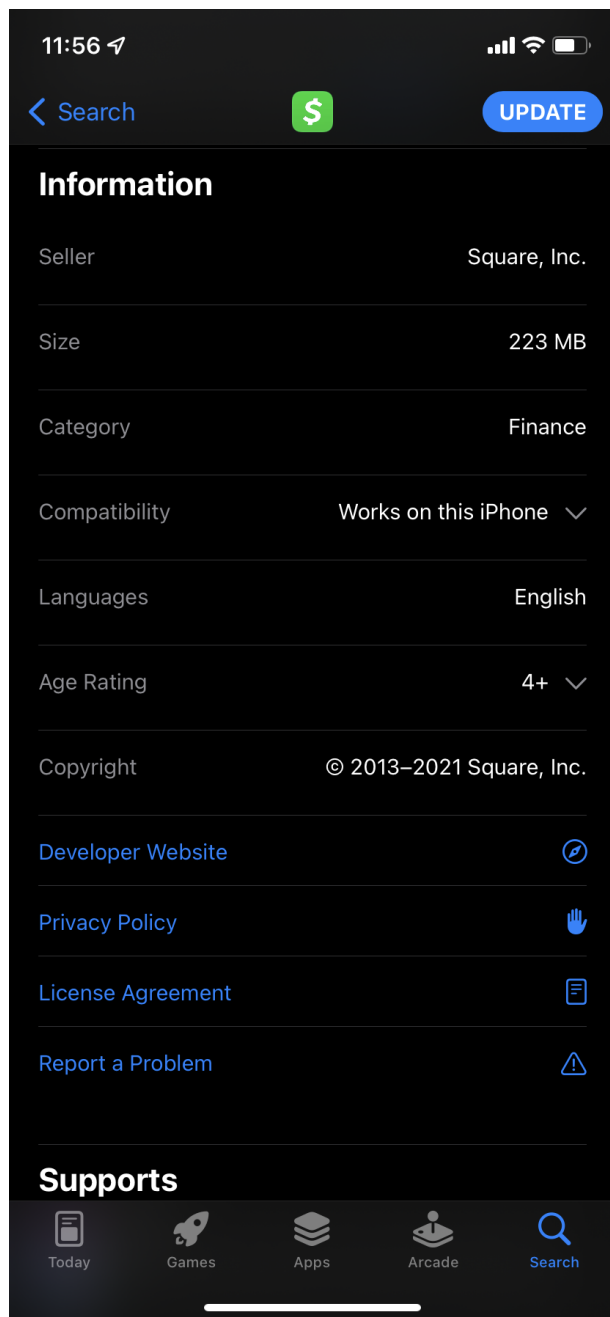
**VI. Cash App Has Historically Been Branded with Square, Inc., and Block, Inc. Has Started Branding Cash App with Block, Inc.**

47. I understand that Block, Inc. has claimed that, since Cash App’s rebranding from “Square Cash” to “Cash App,” in 2017, Block, Inc. stopped using “Square” in any of the branding and marketing materials associated with Cash App, apparently to make the point that Cash App has always been independent from its overarching corporate entity and contend that it similarly will not use “Block” in connection with Cash App. Even a quick review of Cash App’s history, however, including Cash App’s mobile application, Facebook page, sponsored advertisements and e-mail communications, shows these contentions are simply not true—Cash App has in the past prominently displayed its connection to “Square” (the former corporate entity). Given all of the examples of Cash App branded with Square, I expect “Square” to be replaced by “Block” as Block, Inc. continues its integration, and this will be another means by which Block, Inc. promotes itself to the public as Block.

48. Indeed, Block Inc. is still promoting “Square Inc.” as the parent entity of Cash App, as of today. For example, Block, Inc. points out on several occasions that users must download Cash App from a mobile phone application store. But a quick search of the Apple store shows prominent use of “Square, Inc.” in connection with Cash App: “Square, Inc.” appears immediately on the top of the page under the name “Cash App”; “Square, Inc.” is listed

as Cash App’s developer; “Square, Inc.” is noted in the copyright notice; and a link to a licensing agreement between the mobile application user and Square, Inc. is also present. The same is true in Android’s Google Play store. It seems logical that as Square, Inc. is phased out as the corporate entity, these uses would be replaced with Block, Inc.



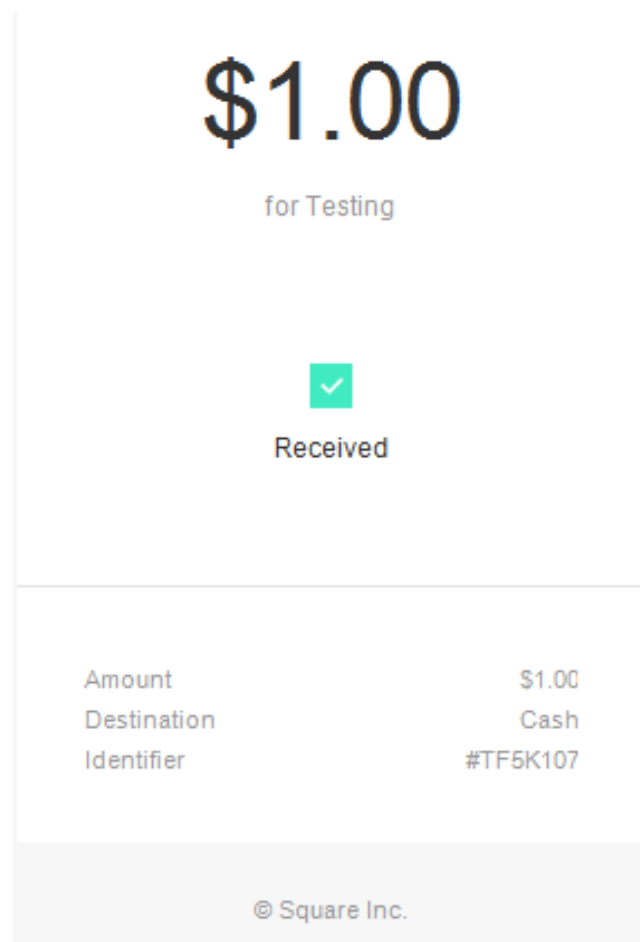


49. Cash App’s sponsored advertisements, such as the one to the right (and highlighted below), which is a screenshot from a video advertisement—text appears throughout the full video, which was launched in October 2021 and is currently running—indicates that “Brokerage services [are] provided by Cash App Investing LLC, member of FINRA/SIPC and a subsidiary of Square, Inc.”

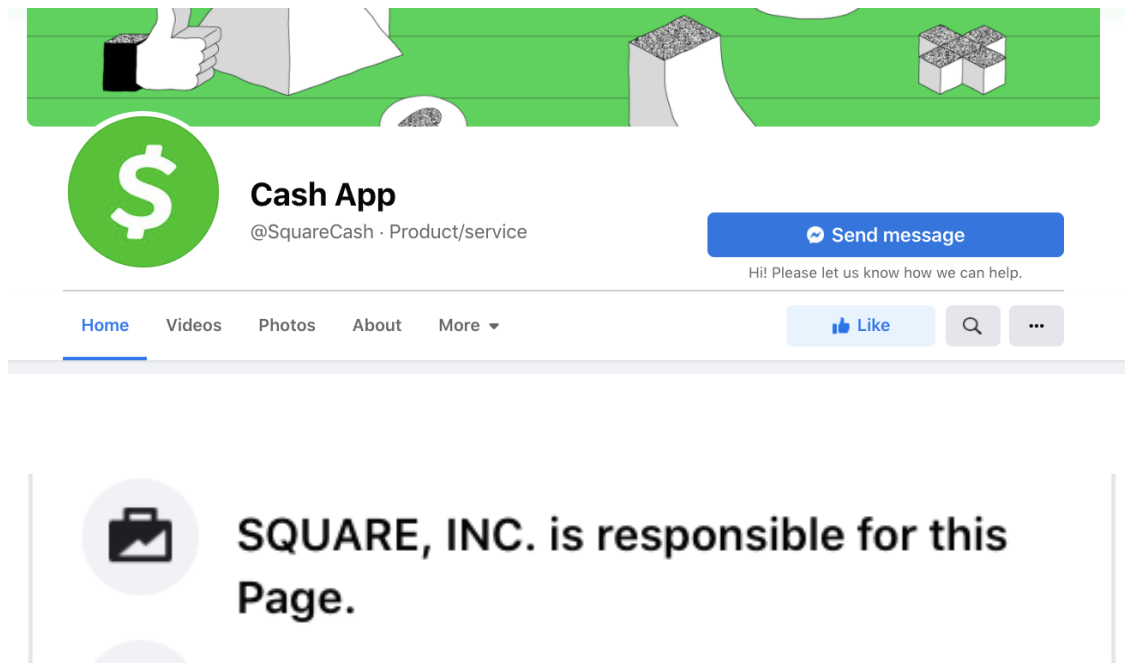
Brokerage services provided by Cash App Investing LLC, member FINRA/SIPC and a subsidiary of Square, Inc.



50. When a Cash App user sends or receives money, the transfer e-mail notification that follows the transfer comes from “cash@square.com” and includes “Square, Inc.” at the bottom of the e-mail, as shown at right.



51. Cash App's Facebook page is [www.facebook.com/SquareCash](https://www.facebook.com/SquareCash) and is labeled "@SquareCash." According to a line that appears at the bottom of the page, Cash App's Facebook page, "SQUARE, INC is responsible for [the] page."



52. Additionally, advertisements posted in late 2021 on Cash App's YouTube channel, Instagram account, and Twitter page, featuring artist, Megan Thee Stallion, include text that reads: "Bitcoin trading offered by Square, Inc. Cash App Investing does not trade bitcoin and Square is not a member of FINRA or SIPC. Square, Inc. is licensed by the New York Department of Financial Services." (See <https://www.youtube.com/watch?v=5AN5veSPfY4>; [https://www.youtube.com/watch?v=NGr\\_MMZ8\\_hQ](https://www.youtube.com/watch?v=NGr_MMZ8_hQ)). These videos have been promoted on Cash App social media channels, and shared by Megan Thee Stallion, who has over 7 million followers on Twitter.



53. In November of 2021, Cash App ran a “Fortune Four Days” sweepstakes where Cash App gave away prizes on its social media accounts. The sweepstakes was “sponsored by Square, Inc.” and the official rules for the sweepstakes, which were linked in each “Fortune Four Days” post for all of Cash App’s 2+ million followers to see, included several references to Square. The “Fortune Four Days” sweepstakes official rules can be found at: <https://cash.app/legal/us/en-us/fortunedayfour>.

54. I understand that Block, Inc.’s expert has identified a Block, Inc. campaign whereby Cash App collaborated with Justin Bieber and Chance the Rapper for the #JBChanceHoly giveaway in September 2020. This sweepstakes was publicly “sponsored by Square, Inc.” The #JBChanceHoly sweepstakes giveaway rules can be found at: <https://cash.app/legal/us/en-us/holygiveaway>. Similarly, Cash App’s “Aaron Rodgers Bitcoin Giveaway,” was “sponsored by Square, Inc.,” and indicated that “Square, Inc. was licensed to engage in virtual currency business activity by the New York State Department of Financial Services,” the prize was “subject to the Square ‘Conversion Rate,’” and the sweepstakes was subject to the Square privacy policy. The official rules for the “Aaron Rodgers Bitcoin Giveaway” can be found at: <https://cash.app/legal/US/en-us/aaronrodgersbitcoin>.

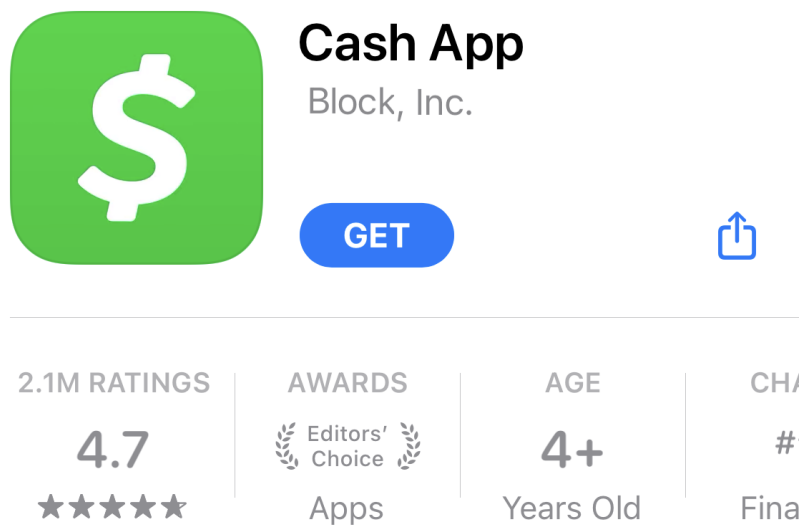
**SQUARE, INC. IS LICENSED TO ENGAGE IN VIRTUAL CURRENCY  
BUSINESS ACTIVITY BY THE NEW YORK STATE DEPARTMENT OF  
FINANCIAL SERVICES.**

**GENERAL**

**1. Sponsor**

Aaron Rodgers Bitcoin Giveaway (the “Sweepstakes”) is sponsored by Square, Inc., 1455 Market Street, Suite 600, San Francisco, California 94103 (“Sponsor” or “Square”).

55. Given all of the examples of Cash App branded with Square, I expect “Square” to be replaced in the near term with “Block.” When this occurs, those images will look similar to the mock up below, where we replaced “Square, Inc.” (as it appears today in the Apple App Store) with “Block, Inc.”:

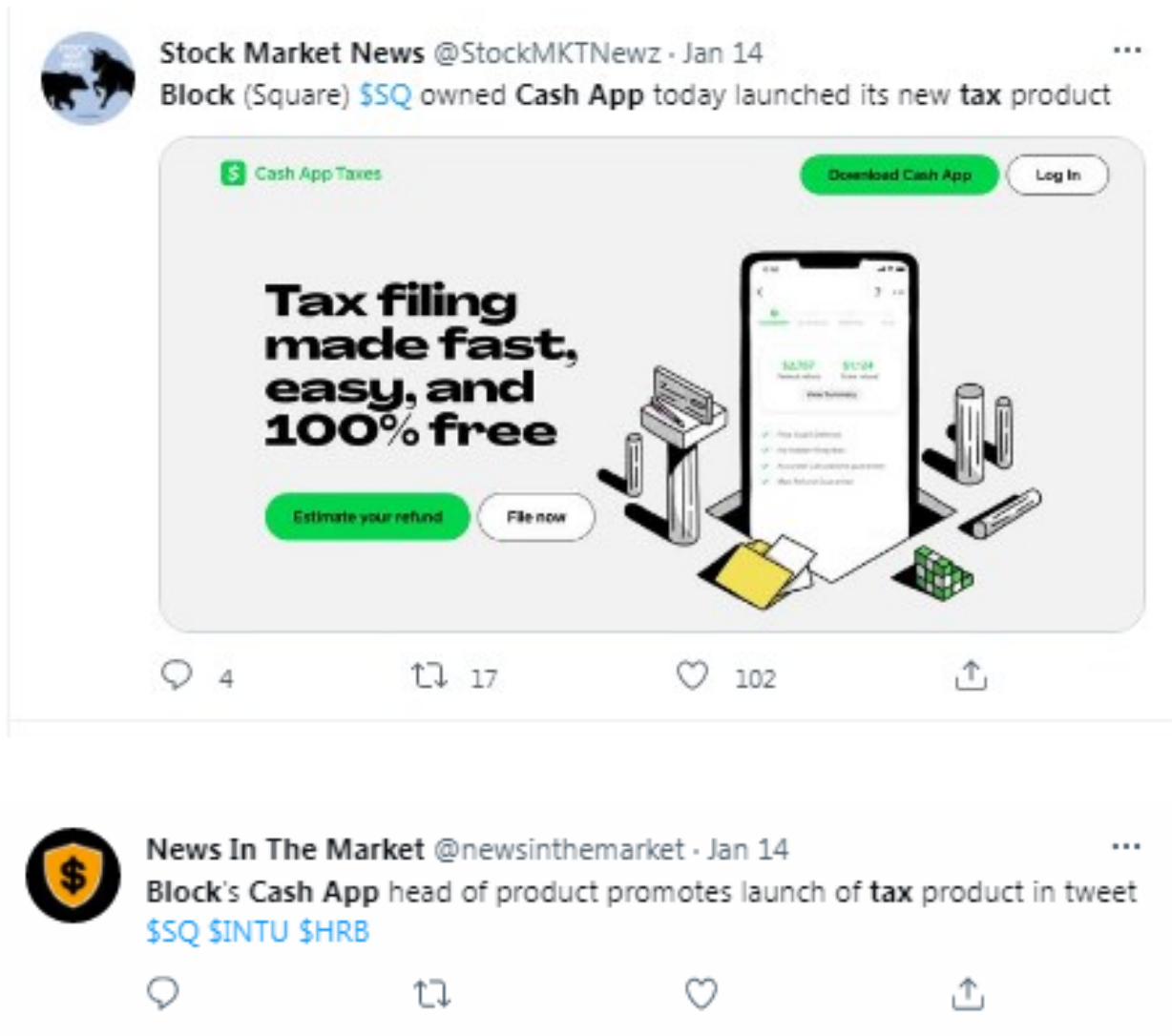


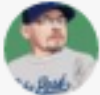
56. While I appreciate that much of Block, Inc.’s integration has not happened, which is why many of these examples still say “Square, Inc.” this is demonstrative of the fact that it will not be difficult for Block, Inc. to revert back to “Square, Inc.” since many of its public materials still say “Square.”

**VII. Cash App Taxes, Although New to the Market, Is Already Identified as Part of “Block”**

57. I understand that Block, Inc. has asserted that Cash App Taxes will not be offered under “Block” branding. However, plenty of sources, such as the Cash App Taxes employee social media accounts, Cash App Taxes terms of service, privacy notice and related disclosure forms, and media reports on Cash App Taxes, already show that Cash App Taxes is already identified as part of “Block,” despite launching just mere weeks ago.

58. Multiple news outlets and individuals have posted on social media about “Block” and Cash App Taxes, with several even writing “\$HRB,” a reference to Block’s stock ticker.





D-Bot @draggabeats · Dec 30, 2021

...

I filed my 2019 **taxes** with Credit Karma, it was 100% free for federal and state. Looks like Inuit sold the CK **Tax** program to **Block's Cash App**. It's still 100% free. Not sure if **Cash App** will allow for 1099, that's why I had to go with Free **Tax USA** in 2020.

 **Cash App Taxes**

**Tax filing made  
fast, easy, and  
100% free**



cash.app

Cash App Taxes - Tax filing made fast, easy, and 100% free

Cash App Taxes



1





**SM Kev** @SauceMethodz · Jan 14

...

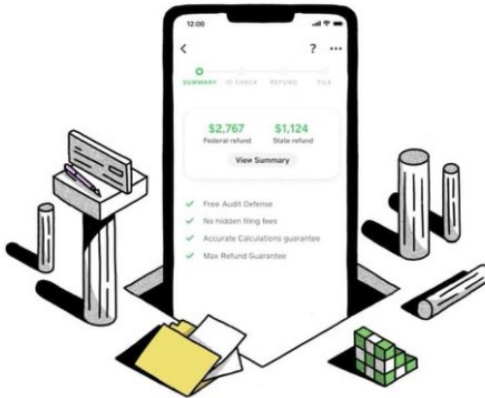
Made simple for the average joe. Online ledger = Simplicity.

A service provided by the company using Ai for Disruption to 3rd party **tax** companies.

**Cash app ( block )** and Sofi are my bets of fintech beating all the old style banks.



## Tax filing made fast, easy, and 100% free



Tax season is coming, and we're here for it—with something new we think you're going to love.

It's Cash App Taxes—a fast, easy, and completely free way to file your taxes. It's the same tax service that's already loved by millions, and it's 100% free from start to finish.

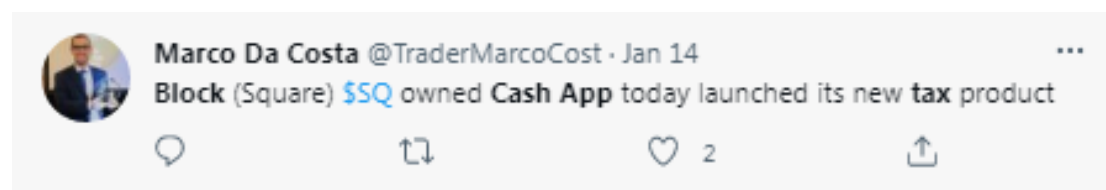


**ALGO BOT NEWS** @algotbotnews · Jan 14

...

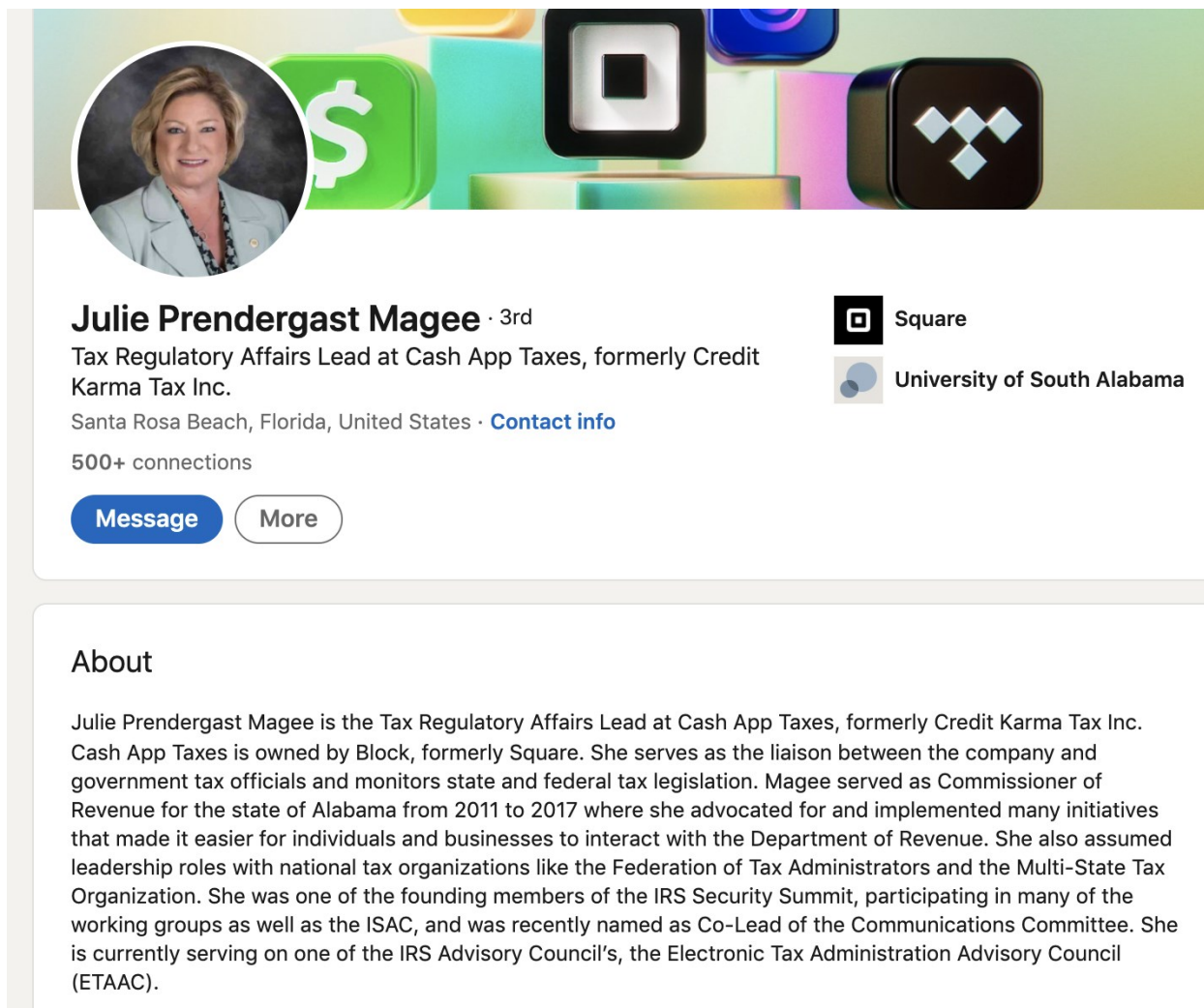
**Block's Cash App** head of product promotes launch of **tax** product in tweet  
[\\$SQ](#) [\\$INTU](#) [\\$HRB](#)







59. As shown above, on December 2, 2021, Julie P. Magee, Block, Inc.'s Tax and Regulatory Affairs Lead tweeted "We're now known as Block and Cash App Taxes but the same awesome business trajectory continues! @blocks @cashapp." Ms. Magee's LinkedIn page, at <https://www.linkedin.com/in/julie-prendergast-magee-18b11191> (shown below), indicates that she is the Tax Regulatory Affairs Lead at Cash App Taxes, formerly Credit Karma Tax Inc. **Cash App Taxes is owned by Block, formerly Square.** (emphasis added)



60. The Cash App Taxes Terms of Service, disclosure form, and Privacy Notice all use and refer to "BLOCK."

- The Cash App Taxes Terms of Service, which include green hyperlinks, describe Cash App Taxes as “a service provided by Cash App Taxes, Inc., a Block, Inc. (formerly known as “Square, Inc.”) (“Block”) company!” The Terms of Service also reference “Block’s Copyright and IP Policy,” and indicate that Block, Inc. “may disclose information necessary to satisfy [its] legal obligations, protect Block, Cash App, Cash App Taxes or its customers, or operate our Services properly.” The Cash App Taxes Terms of Service are available at: <https://taxes.cash.app/pages/terms-of-service>.
- The Cash App Taxes “Consent to Disclosure of Tax Return Information” form, which all Cash App Taxes users must acknowledge and confirm they read before they are able to file their taxes, states that **Cash App Taxes users “can choose to have [Cash App Taxes] disclose to [its] parent company, Block, Inc. (formerly known as “Square, Inc.”) (Block) and its Cash App service information about you...Block’s Cash App service may use this information to provide you tax refund deposit options, provide you with offers, recommendations, and notifications that may be of interest to you, perform analytics including for fraud prevention and security, aggregate this information into products, and provide customer support and personalized services. Block’s use and sharing of your information will be governed by Block’s privacy notice for Cash App. Block will not sell or share your tax information to unaffiliated third parties for their advertising or marketing purposes.”** (emphasis added) A true and correct copy of Cash App Taxes Consent to Disclosure of Tax Return Information is attached as Exhibit 2.

- The annotations in the Cash App Taxes Privacy Notice, provided by Block, Inc., indicates that Cash App Taxes shares customer information “within our family of companies (like Block), who may offer services that we think could be useful to you.” “Block” is not defined in the Privacy Notice. The policy also indicates that Cash App Taxes will share information with its affiliated companies, such as Block, Inc., to help provide services and manage users’ accounts. The Cash App Taxes Privacy Notice, with Block, Inc.’s annotations, is available at:  
<https://taxes.cash.app/pages/privacy-policy>.

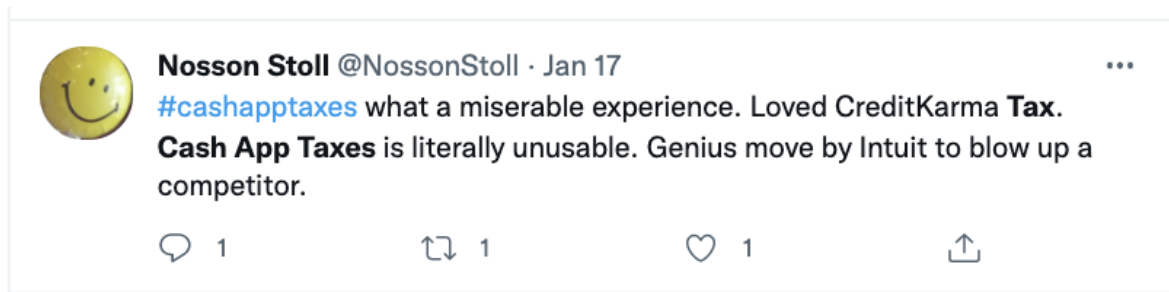
#### **VIII. Irreparable Harm**

61. As all of this evidence demonstrates, Block, Inc. cannot control how consumers and third parties, including the media, refer to “Block, Inc.” Regardless of Block, Inc.’s intentions or actions, as long as its name is Block, Inc., it is inevitable that there will continue to be references to “Block” in connection with Block, Inc.’s tax business, prepaid debit card and other financial services. Such uses of “Block,” which are not intended to refer to Block, create confusion in the marketplace and irreparably harm Block, who has worked hard to control its reputation and image in the marketplace for over six decades. References to our stock ticker symbol, \$HRB, in the posts shown in paragraph 58 above about Block’s Cash App tax services are but one example of how such confusion is inevitable.

62. Given that we provide tax preparation and financial services to our clients, our reputation is critically important. Our customers count on their tax refunds, and they use our services to achieve their financial goals and help operate their small businesses. We gain clients

because they trust us. If something causes our customers to lose trust in us, our business would no doubt be irreparably harmed.

63. Block, Inc.'s Cash App Taxes – which has not fully launched yet because electronic tax filing does not open until next week – has already received many negative reviews, with users calling Cash App Taxes “unusable,” “a miserable experience,” a “[b]ait and snitch,” and “shady,” as shown below. As Cash App Taxes continues to be associated with “Block,” there will be confusion in the marketplace and Block’s reputation will be impacted.





**AmeriCanna Blunt** @AmeriCannaBlunt · 1h

Did you do your **taxes** for free on **cash app**?

Me too!

DYK **cash app** has to report transactions over \$600.

By offering free **tax** preparation, this is how they get your information.

Your cash tag is not enough

\$TERPSLLC

You have to volunteer the rest of the data.

Bait & snitch 🐞🐞🐞



**Enrico Palazzo**

@E\_Rockah

...

@CashApp any particular reason you are holding my prior year tax returns hostage? Shady enough that @creditkarma didn't give anyone a heads up but I don't think it's legal to keep peoples previous year returns from them. Emailing your customer support doesn't help. ????

9:15 AM · Jan 20, 2022 · Twitter for iPhone




64. If consumers think these reviews are attributable to Block, which I believe will happen given the similarities in the names and uses, Block will be irreparably harmed. And these reviews are just one way the reputation Block has invested so much in could be harmed by another tax and similar financial service being associated with the name BLOCK. No amount of money will be able to compensate us for the loss of reputation and trust from our clients.

65. We therefore seek an injunction to prevent irreparable harm. Getting that injunction now, before the tax season really gets underway, is the only way we can nip this irreparable harm in the bud, before it is allowed to spread like wildfire.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Kansas City, Missouri on this 21st day of January, 2022.



---

Jeffrey J. Jones II

